

REMARKS

The Office Action dated June 15, 2005, has been received and carefully considered. Claims 1-5, 7-11, 13-17, 19 and 20-23 are currently pending. New claims 21-23 have been added. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

I. **THE ANTICIPATION REJECTION OF CLAIMS 1-4, 7-10 AND 13-16**

On page 3 of the Office Action, claims 1-4, 7-10 and 13-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Agency Assistant Client Management System (hereinafter Agency Assistant). This rejection is hereby respectfully traversed.

Under 35 U.S.C. §102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. *In re Sun*, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. *Id.* “A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, **every limitation of the claim.**” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). “The **identical invention** must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989). “Absence from the reference of **any** claimed element negates anticipation.” *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986).

Regarding independent claims 1, 7 and 13, the Examiner asserts that, among other things, Agency Assistant discloses the steps of “receiving agent identifying information and agent commission information, wherein said agent identifying information comprises at least one selected from the group consisting of a name, address, and a telephone number (see pages 1-4

and window screen shot on page 4);” and “analyzing and sorting the received agent identifying information and agent commission information (pages 1-2).”

Applicant respectfully submits that Agency Assistant does not teach or suggest the steps of “receiving agent identifying information and agent commission information, wherein said agent identifying information comprises at least one selected from the group consisting of a name, an address, and a telephone number,” or “analyzing and sorting the received agent identifying information and agent commission information,” as expressly recited in claim 1. Rather, Applicant respectfully submits that Agency Assistant does not disclose any feature or functionality that “receiv[es] agent identifying information and agent commission information, wherein said agent identifying information comprises at least one selected from the group consisting of a name, an address, and a telephone number,” or “analyz[es] and sort[s] the received agent identifying information and agent commission information.” In fact, Applicant respectfully submits that Agency Assistant merely discloses four pages of high-level features performed by the “Commission Module” of an “Agency Assistant Client Management System,” but does not teach or suggest any feature or functionality that “receiv[es] agent identifying information and agent commission information, wherein said agent identifying information comprises at least one selected from the group consisting of a name, an address, and a telephone number,” or “analyz[es] and sort[s] the received agent identifying information and agent commission information,” as set forth in independent claim 1.

Independent claims 7 and 13 recite language that is similar to the recitations of claim 1, and are thus allowable for at least the reasons set forth above.

Claim 2-5, 8-11 and 14-17, 19 and 20 are dependent upon independent claim 1, 7, and 13, respectively. Thus, since independent claims 1, 7 and 13 should be allowable as discussed

above, claims 2-6, 8-12, and 14-18 should also be allowable at least by virtue of their dependency on independent claim 1, 7 or 13. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 4 recites “wherein said policy information comprises a policy number; a client name; a product name; a company name; and an issue date.” Applicant respectfully submits that Agency Assistant does not teach or suggest the system of claim 1 wherein said policy information comprises a policy number; a client name; a product name; a company name; and an issue date. Accordingly, Applicant respectfully submits that claim 4 is allowable for at least this reason.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-4, 7-10 and 13-16 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 5, 11, 17, 19 AND 20

On page 4 of the Office Action, claims 5, 11 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Agency Assistant further in view of Applicant’s alleged admission of prior art. On page 5 of the Office Action, claims 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Agency Assistant further in view of Examiner’s use of Official Notice. This rejection is hereby respectfully traversed.

Regarding claims 5, 11 and 17, the Examiner asserts that Agency Assistant does not explicitly disclose the method wherein said commission detail comprises: an estimated commission processing date for a commission; a face amount of a policy; a premium for a policy; a mode for the premium of a policy; and an issue age of a policy. The Examiner asserts, however, that Agency Assistant discloses printing agent statement and management reports showing agency net commission on a policy by policy basis (page 2). In addition, the Examiner

asserts, Agency Assistant discloses windows that disclose information on policies for an agent including face amount of a policy and issue age for a policy (page 4.) The Examiner alleges, therefore, that the same information would be available for display in the commission tracking display since Agency Assistant discloses net commissions on a policy by policy basis. Furthermore, the Examiner alleges that Applicant admits that these limitations are used in general to determine commissions for agents (page 2 of the specification).

Applicant agrees with the Examiner that Agency Assistant does not teach or suggest the method wherein said commission detail comprises: an estimated commission processing date for a commission; a face amount of a policy; a premium for a policy; a mode for the premium of a policy; and an issue age of a policy. However, Applicant respectfully disagrees with the Examiner's allegation that such information would be available for display in the commission tracking display since Agency Assistant discloses net commissions on a policy by policy basis. In particular, Applicant respectfully submits that to the extent the Examiner is alleging an inherency argument, more is required. As stated in MPEP § 2112, "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

Applicant also respectfully disagrees with the Examiner's allegation that Applicant admits that the limitations of the systems and methods of claims 5, 11 and 17 are used in general to determine commissions for agents. Applicant respectfully submits that while the specification

of the pending application states that this information may effect the payment and amount of a commission, there is no admission that the systems and method of claims 5, 11 and 17 are known, used, or part of the prior art.

Regarding claims 19 and 20 the Examiner alleges that Agency Assistant does not explicitly disclose agent identifying information including an address and a telephone number, but takes Official Notice that it was well known in the electronic arts to ask for additional identifying information from users when accessing electronic sites for information. The Applicants traverse this rejection because there is no support in the record for the conclusion that the identified features are "old and well known." In accordance with MPEP § 2144.03, the Examiner must cite a reference in support of his position.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 5, 11, 17, 19 and 20 be withdrawn.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

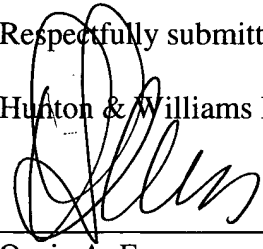
To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper,
including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess
fees to the same deposit account.

Respectfully submitted,

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